

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

RP.No. 735 of 2007()

AGAINST THE JUDGEMENT IN WPC.22211/2007 Dated 19/07/2007
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: PETITIONER/1ST RESPONDENT IN WP(C):

SAVITHRI,
W/O. KANNAMARAKKANTE PURAKKAL RAMAKRISHNAN,
AGED 70 YEARS, RESIDING AT C/O. AJITHA PREMAN,
KEERTHANAM, NANGADATH PEEDIKA P.O., TEMPLE GATE,
THALASSERY.

BY ADV. SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENTS: PETITIONERS 1 & 2 AND 2ND RESPONDENT IN WP(C):

1. UDAYABHANU, S/O. LATE RAMACHANDRAN,
AGED 52 YEARS, UNIKKAL HOUSE, PARIYARAM AMSOM,
TANUR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.
2. PADMINI, W/O. LATE RAMACHANDRAN,
AGED 75 YEARS, UNIKKAL HOUSE, PARIYARAM AMSOM,
TANUR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.
3. CHANDRABHANU, S/O. LATE RAMACHANDRAN,
AGED 45 YEARS, UNIKKAL HOUSE, PARIYARAM AMSOM,
TANUR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV.SRI.P.CHANDRASEKHAR FOR R1

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J

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R.P. No.735 OF 2007 IN W.P.(C)NO.22211/2007

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Dated this the 6th day of August 2007

ORDER

This review petition is filed to review the judgment of this court dated 19.7.2007. As per the said judgment, I have directed the Sub Court, Tirur to consider and dispose of Exts.P7 and P8 applications before the commencement of the trial of E.A.Nos. 327 & 328 of 2006. Meanwhile this review petition is filed and the learned counsel for the review petitioner submits that E.A.Nos.327 & 328/2006 are prima facie not maintainable and their maintainability has to be considered as a first point before considering the question whether a Commissioner has to be appointed or not.

2. Heard the counsel for the review petitioner. Since there is a specific contention for the review petitioner that the claim applications themselves are not maintainable, I direct the court below to conduct an enquiry regarding the maintainability of the E.As at a threshold level to find out whether they have got any right to prefer a claim and if the court finds that the claim itself is not maintainable, then dispose it of at the threshold level itself and in case it is found that there is right for the claim petitioners then

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the court may consider the Commission application on merits.

R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-